

Correcting Issues of IDEA Noncompliance

The Office of Special Education Programs (OSEP) requires that all noncompliance be corrected within one year. The Utah State Office of Education (USOE) has considered various ways in which LEAs could document the correction of all compliance errors in individual files. The foundation of this consideration has been the least amount of time and effort for LEAs while providing the SEA with verifying evidence that corrections have been made.

Corrective actions for all noncompliance (systemic and individual) will continue to be part of the process. The verification of the results of the corrective actions also remains in place. The USOE Special Education Services Unit has devised procedures by which evidence could be provided for each compliance error. Each LEA may select the procedures that fit their own needs.

All noncompliance items are correctable in one of two ways:

1. Correcting documentation in current files
 2. Professional development in the area of the noncompliance, then reviewing additional files completed after the training
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1. Correcting documentation in current files – This method of correction should be used with noncompliance items that can be corrected in the current file, such as:
 - Eligibility determination is not current or complete.
 - Eligibility criteria are not met.
 - Evaluation Summary Report is not current or complete.
 - IEP is not current or complete.
 - IEP content does not meet criteria (i.e., measurable goals, PLAAFP statements include current data and how the disability affects progress in the general curriculum, state-wide assessment, ESY decision, etc.).
 - Consent for Initial Placement is missing or unsigned by parents.
 - Copy to parent documentation is missing.
 - Transition Plan is missing or incomplete.
 - Age of Majority notification missing.
 - Language proficiency and assessment documentation.
 - Prior written notice.
 - Procedural safeguards.
 - IEP and eligibility team participation.

Please select one of the following three (3) procedures:

Method A:

The LEA may list each file by school, student name, DOB, and classification, list the errors, and give dates of new/current documentation that shows file is in compliance. For example:

School	Student	Compliance Items	Evidence of Correction
Jojo Junior High	Sam Jones 5/6/00 DD	<ul style="list-style-type: none"> No current IEP Notice of meeting: placement not listed as purpose 	2/10/07 Training 2/10/07, files rechecked and correct 3/10/07
	John Smith etc.	<ul style="list-style-type: none"> Transition plan missing No consent for initial placement 	2/10/07 2/10/07

Method B:

The LEA could instead document the required evidence by writing the evidence on the individual file report received from the SEA and submitting to the USOE.

Utah Program Improvement Planning System Student Record Review Individual Student File Report USOE
<hr style="border-top: 1px dashed black;"/> Jane Doe Student Record #1 Classification: SLD Age: 13.4 Date of Last IEP: 1/16/2006 Date of Most Recent IEP: 8/23/2006 Teacher: John Smith <hr style="border-top: 1px dashed black;"/>
All items in the file for Jane Doe were found to be in compliance with the following exceptions: [* indicates that the item is a systemic problem for this set of files.]
Continuing Eligibility Items CEL.7 Parents given copy of Eligibility Determination Documentation Problem: No documentation that copy was given. <u>Copy mailed to parent 5/12/2007</u> Continuing/Reevaluation IEP * CIEP.8 IEP team documents present levels of educational performance. [USOE Rule III.I. p. 46] Problem: PLAAFP missing. <u>New IEP 5/12/2007</u>

Method C:

The LEA could submit the required evidence by making copies of the evidence on the individual file report received from the SEA and submitting them to the USOE.

Item	Evidence to Submit (Copies of Completed Forms)
<ul style="list-style-type: none"> Current Eligibility Document and Evaluation Summary Current IEP Consent for Initial Placement Transition Plan 	<ul style="list-style-type: none"> Eligibility Document and Evaluation Summary Signature page Signed consent document Copy of current and complete plan

2. Professional development in the area of the noncompliance, then reviewing additional files completed after the training -This method of correction should be used with noncompliance items that can not be corrected in current files, such as:
- Referral documentation.
 - Notice of Meeting missing or incomplete.
 - Timelines.
 - Early Childhood Transition requirements.
 - Consent for Evaluation/Reevaluation.
 - Age of Majority Notification completed after student's 17th birthday.
 - Change of Placement.

Please use the following procedure:

Method 1:

The LEA may provide professional development through inservice, memo, e-mail. File(s) completed after the professional development will need to be reviewed for evidence of application of the professional development topic. Please submit documentation of how these items will be addressed.